

SEVENTY-EIGHTH DAY

SUNDAY, MAY 18, 1997

PROCEEDINGS

The Senate met at 3:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Cain, Nelson, Ratliff.

The President announced that a quorum of the Senate was present.

Senate Doorkeeper Don Long offered the invocation as follows:

Almighty God in whom we live and move and have our being, and through whom are all things built if they are to endure, we lay before You the plans of our great State of Texas, the aspirations of our hearts, and the work of our hands, asking that they may be found acceptable in Your sight.

As these Senators collaborate here in Your presence and under Your guidance, may each in their respective walk of life give practical expression and helpful furtherance to the ideals that will prosper Texas and glorify Your holy name among all people.

Forgive us our transgressions and abide with us in all the problems of life. Make happy our homes and loved ones, prosper our state and nation, and lead us all to Your glory in service to You, our state, our country, and our fellowmen. And God, bless Texas. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Shapiro, Senator Ratliff was granted leave of absence for today on account of important business.

On motion of Senator Zaffirini, Senator Nelson was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Cain was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 1384

On motion of Senator Haywood and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 1384**.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 66, SB 85, SB 96, SB 113, SB 208, SB 262, SB 320, SB 412, SB 483, SB 500, SB 557, SB 566, SB 605, SB 620, SB 663, SB 682, SB 703, SB 725, SB 735, SB 770, SB 820, SB 874, SB 909, SB 925, SB 970, SB 975, SB 993, SB 1057, SB 1165, SB 1177, SB 1273, SB 1290, SB 1304, SB 1333, SB 1334, SB 1380, SB 1385, SB 1403, SB 1406 (Signed subject to Sec. 49a, Art. III, Texas Constitution), **SB 1506, SB 1544, SB 1568, SB 1574, SB 1609, SB 1610, SB 1631, SB 1656, SB 1661, SB 1756, SB 1849, SB 1878, SB 1906, SCR 35, SCR 79, SCR 80, SCR 82, SCR 83, SCR 84, SCR 86, SCR 87**

SENATE BILL 1517 WITH HOUSE AMENDMENT

Senator Truan called **SB 1517** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **SB 1517** as follows:

- (1) Strike SECTION 4 of the bill.
- (2) Renumber subsequent sections appropriately.

The amendment was read.

On motion of Senator Truan, the Senate concurred in the House amendment to **SB 1517** by a viva voce vote.

SENATE BILL 1040 WITH HOUSE AMENDMENT

Senator Truan called **SB 1040** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1040** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to programs of institutions of higher education that address small business research and development.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0775 to read as follows:

Sec. 61.0775. BUSINESS RESEARCH AND DEVELOPMENT. (a) The board shall designate an institution of higher education with appropriate facilities and resources to conduct a continuing study of the programs and other efforts of institutions of higher education to address the needs of small businesses in this state for assistance in research, development, and prototyping.

(b) At times the board considers appropriate, the institution conducting the continuing study shall make recommendations on actions that may be taken to address the needs of small businesses as described by Subsection (a) in the most cost-effective manner, including through the participation of institutions of higher education in partnerships, ventures, or projects that promote the commercialization of technology for or by small businesses. The board shall deliver the recommendations to appropriate institutions of higher education and to the legislature.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Truan, the Senate concurred in the House amendment to **SB 1040** by a viva voce vote.

SENATE BILL 213 WITH HOUSE AMENDMENTS

Senator Ellis called **SB 213** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **SB 213** as follows:

(1) On page 1, lines 7-13, strike subsection (a) and substitute the following:

(a) The commission shall establish four pilot programs in which the division shall certify day-care facilities licensed under Chapter 42, Human Resources Code, as training centers that offer training and certification for recipients of public assistance in basic skills, child care, child-care vendor entrepreneurial training, and early childhood education. The commission shall determine the pilot sites, with at least one site in an urban area and at least one site in a rural area.

(2) On page 2, line 11, amend as follows:

diploma or the equivalent, or enrollment in a program leading to a high school diploma or the equivalent;

Floor Amendment No. 2

Amend **SB 213** as follows:

On page 2, line 24, strike proposed Subsection 302.003(g)(1) and substitute a new Subsection as follows:

(1) complete the person's Child Development Associate national credential, Certified Child-Care Professional Credential or other child-care certification, as determined by the commission;

The amendments were read.

On motion of Senator Ellis, the Senate concurred in the House amendments to **SB 213** by a viva voce vote.

SENATE BILL 1765 WITH HOUSE AMENDMENT

Senator Moncrief called **SB 1765** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **SB 1765**, in added Section 6.118(c), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes)(engrossed version, page 3, lines 17-18), by striking "in a facility approved by the Texas Commission on Alcohol and Drug Abuse".

The amendment was read.

On motion of Senator Moncrief, the Senate concurred in the House amendment to **SB 1765** by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 57
WITH HOUSE AMENDMENT**

Senator Moncrief called **SCR 57** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SCR 57**, page 2 line 7 by adding after the word Pleurocoelus ", large Quadrupedal Sauropod"

The amendment was read.

On motion of Senator Moncrief, the Senate concurred in the House amendment to **SCR 57** by a viva voce vote.

SENATE BILL 637 WITH HOUSE AMENDMENTS

Senator Brown called **SB 637** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **SB 637** by inserting the words "before the date the order is signed or" on line 20 between the words "not" and "later".

Floor Amendment No. 2

Amend **SB 637** by adding the following section, appropriately numbered, and renumbering the existing sections appropriately:

SECTION __. Section 2001.145, Government Code, is amended to read as follows:

Sec. 2001.145. MOTIONS FOR REHEARING: PREREQUISITES TO APPEAL. (a) A timely motion for rehearing is a prerequisite to an appeal in a contested case except that a motion for rehearing of a decision or order that is final under Section 2001.144(a)(3) or (4) is not a prerequisite for appeal.

(b) A decision that is final under Section 2001.144(a)(2), ~~[or]~~ (3), or (4) is appealable.

The amendments were read.

On motion of Senator Brown, the Senate concurred in the House amendments to **SB 637** by a viva voce vote.

SENATE BILL 1164 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1164** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **SB 1164** in SECTION 1 of the bill, in the added Section 32.043(b)(2), Human Resources Code (page 2, line 2, Senate engrossment), by striking "five" and substituting "ten".

Amendment No. 2

Amend **SB 1164** by adding the following appropriately numbered section to the bill and renumbering existing sections of the bill appropriately:

SECTION __. (a) As part of the routine monitoring responsibilities of the Health and Human Services Commission, the commission shall evaluate the STAR + PLUS Medicaid managed care long-term care pilot project, including:

- (1) consumer, family, and provider satisfaction with the project;
- (2) funding, regulatory, and statutory adjustments needed to improve the project; and
- (3) the overall quality of care provided by the project compared to the quality of care provided by the traditional fee-for-service Medicaid long-term care program.

(b) Not later than January 1, 1999, the commission shall submit a report relating to the evaluation to the governor, lieutenant governor, the speaker of the house of representatives, the Senate Health and Human Services Committee, and the House Public Health Committee.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1164**.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Nelson, Ratliff.

SENATE BILL 1163 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1163** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **SB 1163** in SECTION 1 of the bill, in the added Section 32.043(a), Human Resources Code, after "(a)" (page 1, line 6, Senate engrossment printing), by striking "The" and substituting "Subject to the availability of funds, the".

Floor Amendment No. 2

Amend **SB 1163** by striking Sec. 32.043(e).

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1163**.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Nelson, Ratliff.

SENATE BILL 693 WITH HOUSE AMENDMENT

Senator Brown called **SB 693** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 693** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to standing to enforce restrictions relating to state property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 31, Natural Resources Code, is amended by adding Section 31.068 to read as follows:

Sec. 31.068. STANDING TO ENFORCE RESTRICTIONS. (a) The commissioner and the attorney general have standing to enforce a:

(1) restrictive covenant affecting real property owned by the permanent school fund or a state agency;

(2) restriction expressed in a transfer document or legislative act conveying real property then owned by the state; or

(3) statutory restriction on the sale or lease of land patented or leased by the state to a navigation district, including a restriction provided by Section 61.116 or 61.117, Water Code.

(b) The attorney general, on the attorney general's own initiative or at the request and on behalf of the commissioner, may bring suit to enforce the rights of the state under this section.

(c) This section does not apply to:

(1) permanent university fund land; or

(2) other real property controlled or administered by the board of regents of The University of Texas System.

SECTION 2. This Act does not apply to a cause of action that is pending in a court of this state on the effective date of this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Brown moved to concur in the House amendment to **SB 693**.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Nelson, Ratliff.

SENATE BILL 1391 WITH HOUSE AMENDMENT

Senator Lindsay called **SB 1391** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1

SB 1391 is amended by adding a new Section 1 as follows and renumbering all following Sections appropriately.

SECTION 1. Subsection (a), Section 251.005, Transportation Code, is amended to read as follows:

(a) A county commissioner serving as a road supervisor shall make a sworn annual report during the ninth month of the fiscal year on a form approved by [to each regular term of] the commissioners court showing:

(1) the condition of each road or part of a road and of each culvert and bridge in the commissioner's precinct;

(2) the amount of money reasonably necessary for maintenance of ~~[held by overseers available to be spent on]~~ the roads in the precinct during the following fiscal year;

(3) the number of traffic control devices ~~[mileposts and fingerboards]~~ in the precinct defaced or torn down;

(4) any new road that should be opened in the precinct; and

(5) any bridges, culverts, or other improvements necessary to place the roads in the precinct in good condition, and the probable cost of the improvements~~[-and]~~

~~[(6) the name of each overseer who has failed to work on the roads or who in any way neglected to perform the overseer's duties].~~

The amendment was read.

Senator Lindsay moved to concur in the House amendment to **SB 1391**.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Nelson, Ratliff.

GUEST PRESENTED

Senator Moncrief was recognized and introduced to the Senate Dub Bransom, United States Marshal of the Northern District of Texas.

The Senate welcomed Marshal Bransom.

SENATE BILL 1175 WITH HOUSE AMENDMENT

Senator Whitmire called **SB 1175** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1175** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to recall elections to remove a member of the board of directors of a municipal utility district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 54, Water Code, is amended by adding Section 54.103 to read as follows:

Sec. 54.103. RECALL ELECTION PROCEDURES. (a) The qualified voters of a district in an election held for the purpose may recall a member of the board as provided by this section.

(b) A recall election is initiated by filing a recall petition with the general manager of the district or the attorney for the district.

(c) The petition must be signed and verified by at least 10 percent of the qualified voters of the district, include a statement demanding the removal of a director, and contain a general statement of the grounds for which the removal is sought.

(d) Each part of a petition under this section must include an affidavit of the person who circulated it stating that the person:

(1) pointed out and read to each signer, before the petition was signed, each statement pertaining to the signer that appears on the petition;

(2) witnessed each signature;

(3) verified each signer's registration status; and

(4) believes each signature to be genuine and the corresponding information to be correct.

(e) If a petition under this section contains an affidavit that complies with Subsection (d), for the purpose of determining whether the petition contains a sufficient number of valid signatures, the authority with whom the petition is filed may treat as valid each signature to which the affidavit applies without further verification unless proven otherwise.

(f) Not later than the 20th day after the petition is filed, the general manager or attorney for the district shall examine the petition and determine whether it complies with Subsections (c), (d), and (e). The general manager or attorney for the district shall certify in writing whether the petition complies with Subsections (c), (d), and (e) and shall present this certification to the board.

(g) If the director whose removal is sought does not resign within five days after the presentation to the board of a petition certified as complying with Subsections (c), (d), and (e), the board shall order and hold a recall election not less than 30 or more than 60 days after the certified petition is presented to the board.

(h) The ballot for a recall election shall be as follows:

(1) for each director whose removal is sought the following question shall be submitted: "Shall (name of director) be removed from the office of director of the (name of district)?" and

(2) immediately below each question the following propositions shall be printed, in the order indicated:

"For the recall of (name of director)"

"Against the recall of (name of director)."

(i) If a majority of the votes cast are cast against removal of the director named on the ballot, that director shall remain in office. If a majority of the votes cast are in favor of the removal of the director named on the ballot, the board shall immediately declare that director's office vacant and the vacancy shall be filled at an election called to replace the recalled director. Notwithstanding Section 49.103, the election shall be held not less than 30 or more than 90 days after the date the board declares the recalled director's office vacant. An election held under this section is not subject to Section 41.001(a), Election Code. A director removed by recall may not be a candidate in an election called to fill the vacancy created by the director's removal. The board may not appoint a director removed by recall to fill an unexpired term.

(j) A recall petition may not be filed against a director within six months after the director takes office. A director may not be subject to more than one recall election during one term of office.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Whitmire moved to concur in the House amendment to **SB 1175**.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Nelson, Ratliff.

(Senator Truan in Chair)

GUEST PRESENTED

Senator Haywood was recognized and introduced to the Senate his wife Mrs. Pat Haywood.

The Senate welcomed Mrs. Haywood.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate members of his family.

The Senate welcomed its guests.

(President in Chair)

SENATE BILL 1955 ON SECOND READING

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1955, Relating to the transfer of certain occupational certification and licensing programs administered by the Texas Natural Resource Conservation Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1955 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1955** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Cain, Nelson, Ratliff.

SB 1955 was read third time and was passed by a viva voce vote.

SENATOR ANNOUNCED PRESENT

Senator Ratliff, who had previously been recorded as "Absent-excused," was announced "Present."

HOUSE BILL 2798 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2798, Relating to tax-exempt private activity bonds.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2798** as follows:

- (1) Strike the phrase "Effective January 1, 1998," in:
 - (A) SECTION 1 of the bill (committee printing, page 1, line 10);
 - (B) SECTION 2 of the bill (committee printing, page 2, line 42);
 - (C) SECTION 3 of the bill (committee printing, page 3, line 45);
 - (D) SECTION 4 of the bill (committee printing, page 4, line 51); and
 - (E) SECTION 6 of the bill (committee printing, page 5, line 29).
- (2) Strike SECTIONS 10 and 11 of the bill (committee printing, page 6, lines 34-42) and substitute the following:

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2798** by adding the following SECTIONS 10, 11, 12, 13, 14, and 15 and renumber accordingly:

SECTION 10. Subdivision (13), Section 394.003, Local Government Code, is amended to read as follows:

(13) "Residential development" means the acquisition, construction, reconstruction, rehabilitation, repair, alteration, improvement, or extension of any of the following items or any combination of the following items for the purpose of providing decent, safe, and sanitary housing and nonhousing facilities that are an integral part of or are functionally related to any affordable housing project whether in one or multiple locations ~~[the housing]~~:

(A) land, an interest in land, a building or other structure, facility, system, fixture, improvement, addition, appurtenance, or machinery or other equipment;

(B) real or personal property considered necessary in connection with an item described by Paragraph (A); or

(C) real or personal property or improvements functionally related and subordinate to an item described by Paragraph (A).

SECTION 11. Subsection (h), Section 394.012, Local Government Code, is amended to read as follows:

(h) For the purposes of determining the applicable population for Section 3b, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), the [The] joint housing finance corporation may only consider areas in its own ~~not operate in more than one~~ state planning region.

SECTION 12. Section 394.032, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) A housing finance corporation may delegate to the Texas Department of Housing and Community Affairs the authority to act on its behalf in the financing, refinancing, acquisition, leasing, ownership, improvement, and disposal of home mortgages or residential developments, within and outside the jurisdiction of the housing finance corporation, including its authority to issue bonds for such purposes.

SECTION 13. Subsection (a), Section 394.037, Local Government Code, is amended to read as follows:

(a) A housing finance corporation may issue bonds to defray, in whole or in part:

(1) the development costs of a residential development; or

(2) the costs of purchasing or funding the making of home mortgages, either on a first come, first served basis or by selling lender commitments, including the costs of studies and surveys, insurance premiums, financial advisory services, mortgage banking services, administrative services, underwriting fees, legal services, accounting services, and marketing services incurred in connection with the issuance and sale of the bonds, including bond and interest reserve accounts, capitalized interest accounts, and trustee, custodian, and rating agency fees.

SECTION 14. Subsection (a), Section 394.040, Local Government Code, is amended to read as follows:

(a) A housing finance corporation may make, contract to make, but is in no way required to make, and enter into advance commitments to make home mortgages originated, administered, and serviced by lending institutions. It may pay the reasonable value of services rendered under those contracts. It may acquire, contract to acquire, and enter into advance commitments to acquire, by assignment or other means, home mortgages owned by lending institutions at purchase prices and on other terms determined by the corporation or its agent.

SECTION 15. Section 394.051, Local Government Code, is amended by adding Subsection (h) to read as follows:

(h) The housing finance corporation is not required to sell commitments to lenders to originate home mortgages. A housing finance corporation may establish a program so that lenders will utilize the

proceeds of the bonds to originate home mortgages on a first come, first served basis.

The amendment was read and was adopted by a viva voce vote.

HB 2798 as amended was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Ellis asked to be recorded as "Present-not voting" on the passage of the bill to third reading.

HOUSE BILL 2798 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2798** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 1.

Present-not voting: Ellis.

Absent-excused: Cain, Nelson.

HB 2798 was read third time and was passed by the following vote: Yeas 28, Nays 0, Present-not voting 1. (Same as previous roll call)

(Senator Truan in Chair)

ANNOUNCEMENT

Senator Armbrister was recognized and announced to the Senate that today was Senate Parliamentarian Walter Fisher's birthday.

The Senate congratulated the Parliamentarian on his birthday.

HOUSE BILL 2382 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2382, Relating to the regulation of the distribution and sale of towable recreational vehicles.

The bill was read second time.

Senator Bivins offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2382** as follows:

On page 2, line 2, between "habitation" and "for", insert "as its primary purpose".

The committee amendment was read and was adopted by a viva voce vote.

HB 2382 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2382 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2382** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Cain, Nelson.

HB 2382 was read third time and was passed by a viva voce vote.

STATEMENT OF LEGISLATIVE INTENT

Senator Bivins submitted the following statement of legislative intent on **HB 2382**:

"As the author of **SB 1482** and Senate sponsor of **HB 2382**, I want the record to be clear that it is the intent of this bill to provide for the regulation of towable recreational vehicles only. It is not the intent of this bill to bring into the regulatory structure of the Texas Motor Vehicle Commission Code utility trailers, enclosed trailers, or other trailers that are primarily intended to transport animals, motor vehicles, motorcycles, heavy equipment, all terrain vehicles, arts and crafts or the like, whether or not the trailer is equipped with a place for a human being to sleep and whether or not the trailer is equipped with one or more life support systems for human beings or animals."

BIVINS

HOUSE BILL 2083 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2083, Relating to county auditors who serve more than one county.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2083 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2083** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Cain, Nelson.

HB 2083 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

HOUSE BILL 1856 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1856, Relating to the continuation and functions of the Commission on Law Enforcement Officer Standards and Education and to commissioned retired Texas Rangers, special rangers, and special Department of Public Safety officers.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1856** by striking Sections 17-20 of the bill and renumbering subsequent sections of the bill appropriately.

The committee amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 1856** by adding the following appropriately numbered section to the bill and renumbering existing sections of the bill appropriately:

SECTION ____ . Section 415.035, Government Code, is amended to read as follows:

Sec. 415.035. WEAPONS PROFICIENCY. (a) An entity that employs more than two peace officers shall designate a firearms proficiency officer and require each peace officer that it employs to demonstrate to that officer, at least once each year, weapons proficiency. The entity shall maintain records of this proficiency.

(b) On request, the commission may waive the requirement under Subsection (a) that a peace officer demonstrate weapons proficiency if the commission finds that the requirement causes a hardship.

(c) The commission shall adopt rules to define weapons proficiency for the purpose of this section.

The committee amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend **HB 1856**, engrossed version, as follows:

(1) on page 5, line 17 through page 6, line 15, strike the current language.

(2) on page 5, line 17, substitute,

"Sec. 415.0065. TRAINING FOR COMMISSION MEMBERS. (a) To be eligible to take office as a member of the commission, a person appointed to the commission must complete at least one course of a training program that complies with this section.

(b) The training program must provide information to the person regarding:

- (1) the enabling legislation that created the commission and its policymaking body to which the person is appointed to serve;
 - (2) the programs operated by the commission;
 - (3) the role and functions of the commission;
 - (4) the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority;
 - (5) the current budget for the commission;
 - (6) the results of the most recent formal audit of the commission;
 - (7) the requirements of the:
 - (A) open meetings law, Chapter 551, Government Code;
 - (B) open records law, Chapter 552, Government Code; and
 - (C) administrative procedure law, Chapter 2001, Government Code;
 - (8) the requirements of the conflict of interests laws and other laws relating to public officials; and
 - (9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.
- (c) A person appointed to the commission is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the General Appropriations Act and as if the person were a member of the commission."

The committee amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1856** as follows:

On page 8, line 11, insert the following and renumber the sections accordingly;

"SECTION 20. Section 415.062, Government Code, is amended to read as follows:

Sec. 415.062. PROFESSIONAL ACHIEVEMENT AND PROFICIENCY CERTIFICATES. (a) The commission shall issue certificates that recognize professional achievement or proficiency based on law enforcement training, education, and experience. For this purpose the commission shall use the employment records of the employing agency.

(1) The commission as a requirement for a basic proficiency certificate shall require local courses or programs of instruction on federal and state statutes that relate to employment issues affecting peace officers and county jailers, including;

- (A) civil service;
- (B) compensation, including overtime compensation, and vacation time;
- (C) personnel files and other employee records;
- (D) management-employee relations in law enforcement organizations;
- (E) work-related injuries;
- (F) complaints and investigations of employee misconduct; and
- (G) disciplinary actions and the appeal of disciplinary actions.

(2) The employing agency shall be responsible for providing this training

The amendment was read and was adopted by a viva voce vote.

HB 1856 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1856 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional rule requiring bills to be read on three several days be suspended and that **HB 1856** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Cain, Nelson.

HB 1856 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1954 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1954, Relating to the regulation of used oil filter containers.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amendment No. 1

Amend **CSSB 1954** as follows:

(1) Strike all below the enacting clause and substitute the following:

SECTION 1. Chapter 361, Health and Safety Code, is amended by adding subchapter T. to read as follows:

SUBCHAPTER T. HANDLING OF USED OIL FILTERS.

Sec. 361.701. USED OIL FILTER MANAGEMENT. A used oil filter may not be intentionally or knowingly placed in or accepted for disposal in landfill permitted by the commission.

Sec. 361.702. APPLICABILITY. This subchapter applies to persons involved in generating, storing, transporting, handling, and processing used oil filters and their components. Except for Sec. 361.701 and ec. 361.703(a), this subchapter does not apply to industrial generators that are registered with the commission as Industrial or Hazardous waste facilities or that are under the waste management jurisdiction of a state agency other than the commission.

Sec. 361.703. USED OIL FILTER GENERATORS AND COLLECTORS.
(a) A person may not generate, collect, transport, process, or recycle a used oil filter in a manner that endangers or damages the public health or welfare, or the environment or intentionally or knowingly place a used oil filter containing oil on land.

(b) A used oil filter generator may store used oil filters on-site in containers that do not in the aggregate have a volume of more than 330 gallons without commission approval and without registering as a storage facility.

(c) A used oil filter collector may store used oil filters on site in containers that do not in the aggregate have a volume of more than 330 gallons without commission approval and without registering as a storage facility.

(d) The containers to be used in accordance with subsections (b) and (c) of this section must be securely closed, waterproof, nonleaking, in good condition and labeled "Used Oil Filters".

(e) A person must remove from service, or repair, any container used for storage of used oil filters that is found to be leaking or in poor condition.

SECTION 2. Chapter 361.432, Health and Safety Code, is repealed.

SECTION 3. This Act takes effect September 1, 1997.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

CSSB 1954 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1954 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1954 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Cain, Nelson.

CSSB 1954 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 836 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 836, Relating to promotion to the next grade level after completion of an extended year program.

The bill was read second time and was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 836 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSHB 836 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Cain, Nelson.

CSHB 836 was read third time and was passed by the following vote:
Yeas 29, Nays 0. (Same as previous roll call)

SENATOR ANNOUNCED PRESENT

Senator Nelson, who had previously been recorded as "Absent-excused," was announced "Present."

(President in Chair)

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider **HB 1055** today.

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider the following bills today: **HB 2697, HB 2069**

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Brown and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider **HB 2103** today.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 4:08 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session to be held tomorrow at 8:00 a.m., until 9:30 a.m. tomorrow.

CONGRATULATORY RESOLUTION

SR 771 - by Wentworth: Congratulating Joshua Clark Davis of San Antonio.

RECESS

On motion of Senator Truan and by unanimous consent, the Senate at 4:09 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

